

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2118

## 97TH GENERAL ASSEMBLY

6357H.03P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 324, RSMo, by adding thereto ten new sections relating to the powers and duties of the Missouri electrical industry licensing board, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 324, RSMo, is amended by adding thereto ten new sections, to be  
2 known as sections 324.900, 324.905, 324.910, 324.915, 324.920, 324.925, 324.930, 324.935,  
3 324.940, and 324.945, to read as follows:

**324.900. As used in sections 324.900 to 324.945, unless the context clearly indicates  
2 otherwise, the following terms shall mean:**

3 **(1) "Board", the Missouri electrical industry licensing board;**

4 **(2) "Certifying entity", the nongovernmental agency or association that certifies  
5 or registers individuals who have completed academic and training requirements;**

6 **(3) "Director", the director of the division of professional registration;**

7 **(4) "Division", the division of professional registration within the department of  
8 insurance, financial institutions and professional registration;**

9 **(5) "Electrical contracting", engaging in the business of installing, erecting, or  
10 maintaining electrical wiring, fixtures, apparatus, equipment, devices, or components,  
11 regardless of voltage, that are used for generation, transmission, and utilization of  
12 electricity;**

13 **(6) "Electrical contractor", a person engaged in electrical contracting. No person,  
14 firm, corporation, institution, organization, or representative thereof shall engage in  
15 electrical contracting without having an individual responsible for such work who is**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 licensed under sections 324.900 to 324.945. A licensed electrical contractor shall represent  
17 only one firm, person, corporation, institution, or organization at one time;

18 (7) "Local license", a valid license issued by a local political subdivision. Holders  
19 of such a license are limited to practice within the political subdivision issuing the license  
20 or in a political subdivision that does not require a license;

21 (8) "Person", an individual, corporation, partnership, association, or other legal  
22 entity;

23 (9) "Statewide license", a valid license issued or recognized by the electrical  
24 industry licensing board that allows the licensee to practice in any jurisdiction regardless  
25 of local licensing requirements.

324.905. 1. There is hereby created within the division of professional registration  
2 the "Missouri Electrical Industry Licensing Board". The board shall consist of nine voting  
3 members, all of whom shall be citizens of the United States and domiciled within this state.  
4 The governor shall appoint four members of the board from district one, four members  
5 from district two, and one member from district three, as set out in subdivisions (1), (2),  
6 and (3) of this subsection, with the advice and consent of the senate for terms of four years,  
7 except as provided in subsection 3 of this section. Four members shall be in good standing  
8 with the National Electrical Contractors Association, or any successor organization, two  
9 members shall be in good standing with the Associated Builders and Contractors, or any  
10 successor organization, two members shall be in good standing with the Independent  
11 Electrical Contractors, or any successor organization, and one member shall be in good  
12 standing with the Society of Professional Engineers. All members shall be chosen from lists  
13 submitted by the director of the division of professional registration who shall inquire of  
14 the Independent Electrical Contractors Association, Associated Builders and Contractors,  
15 and National Electrical Contractors Association, or any successor organizations, to obtain  
16 the names of individuals to be considered. Each association shall submit three names from  
17 district one and three names from district two for the selection process, and the society  
18 shall submit three names from district three.

19 (1) District one shall consist of the counties of Boone, Callaway, Cape Girardeau,  
20 Cole, Franklin, Jefferson, Lincoln, St. Charles, St. Francois, and St. Louis; and the city of  
21 St. Louis;

22 (2) District two shall consist of the counties of Buchanan, Camden, Cass, Christian,  
23 Clay, Greene, Jackson, Jasper, Newton, Platte, and Taney; and

24 (3) District three shall consist of all counties of the third and fourth classification.

25           2. No person shall be eligible for reappointment to the board who has served as a  
26 member for a total of eight years. A vacancy in the office of any board member shall be  
27 filled for the unexpired term only.

28           3. The initial appointments to the board shall be three members for terms of two  
29 years, three members for terms of three years, and two members for terms of four years.

30           4. Any member of the board may be removed from the board by the governor for  
31 neglect of duty required by law, for incompetence, or for unethical or dishonest conduct.  
32 Upon the death, resignation, disqualification, or removal of any member of the board, the  
33 governor shall appoint a successor.

          324.910. 1. The board shall elect annually a chairperson and a vice-chairperson  
2 from the board's membership.

3           2. The division, in collaboration with the board, shall adopt, implement, rescind,  
4 amend, and administer such rules as may be necessary to carry out the provisions of  
5 sections 324.900 to 324.945. The division, in collaboration with the board, may promulgate  
6 necessary rules compatible with sections 324.900 to 324.945, including, but not limited to,  
7 rules relating to professional conduct, continuing competency requirements for the renewal  
8 of licenses, approval of continuing competency programs, and the establishment of ethical  
9 standards of practice for persons holding a license under sections 324.900 to 324.945. Any  
10 rule or portion of a rule, as that term is defined in section 536.010 that is created under the  
11 authority delegated in this section shall become effective only if it complies with and is  
12 subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This  
13 section and chapter 536 are nonseverable and if any of the powers vested with the general  
14 assembly under chapter 536, to review, to delay the effective date, or to disapprove and  
15 annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
16 authority and any rule proposed or adopted after August 28, 2014, shall be invalid and  
17 void.

18           3. The board shall convene at the request of the director or as the board shall  
19 determine. The board shall hold regular meetings at least four times per year.

20           4. Each member of the board shall receive as compensation an amount set by the  
21 division not to exceed seventy dollars per day for each day devoted to the affairs of the  
22 board and may be reimbursed for actual and necessary expenses incurred in the  
23 performance of the member's official duties.

          324.915. 1. For the purpose of sections 324.900 to 324.945, the division shall:

2           (1) Employ, within the limits of the appropriations for such purpose, employees as  
3 are necessary to carry out the provisions of sections 324.900 to 324.945;

4           (2) Exercise all administrative functions;

5           (3) Establish all applicable fees, set at an amount which shall not substantially  
6 exceed the cost of administering sections 324.900 to 324.945;

7           (4) Deposit all fees collected under sections 324.900 to 324.945, by transmitting such  
8 funds to the department of revenue for deposit to the state treasury to the credit of the  
9 Missouri electrical industry licensing board fund; and

10          (5) Approve or disapprove certifying entities for professions within the electrical  
11 industry included in the scope of sections 324.900 to 324.945.

12          2. The division may terminate recognition of any certifying entity included in the  
13 scope of sections 324.900 to 324.945 following a subsequent review of the certification or  
14 registration procedures of that certifying entity.

324.920. Sections 324.900 to 324.945 shall not apply to work done by:

2           (1) Any employee of an electric utility, a gas corporation as defined in section  
3 386.020, a water corporation as defined in section 386.020, or communications-related  
4 service provider, including but not limited to, a telecommunication provider, broadband  
5 service provider, Internet Protocol-enabled service provider, Voice over Internet Protocol  
6 service provider, or video service provider;

7           (2) A railroad corporation;

8           (3) A contractor who services the construction and maintenance of power lines or  
9 substations of an electric utility corporation, a municipal utility, a rural electric  
10 cooperative, or a contractor who services the construction or maintenance of facilities for  
11 a communications-related service provider, including but not limited to, a  
12 telecommunications company, broadband service provider, Internet Protocol-enabled  
13 service provider, Voice over Internet Protocol service provider, or video service provider,  
14 when engaged in work of such company;

15          (4) A federally licensed radio or television broadcast station or a commercial mobile  
16 radio service provider licensed by the Federal Communications Commission under the  
17 commercial mobile radio services rules and regulations;

18          (5) A private broadcast engineering contractor possessing a valid Society of  
19 Broadcast Engineers certification; or

20          (6) Contractors who engage in the design, integration, installation, maintenance,  
21 alteration or service of cabling infrastructure, fire alarm systems, and products of Class  
22 2 or Class 3 remote control, signaling, or power-limited circuits, fire alarm circuits, optic  
23 fiber cable, or communication circuits, including raceways, as defined by the National  
24 Electrical Code that transport voice, video, audio, and data-signals.

324.925. 1. Each electrical contracting firm shall have in its employ, at a  
2 supervisory level, at least one licensed electrical contractor.

3           **2. The applicant for a statewide electrical contractor's license shall satisfy the**  
4 **following requirements:**

5           **(1) Be at least twenty-one years of age and a United States citizen;**

6           **(2) Provide proof of insurance in the amount of five hundred thousand dollars, and**  
7 **post a bond with each political subdivision in which he or she will perform work, as**  
8 **required by that political subdivision;**

9           **(3) Pass a standardized and nationally accredited electrical assessment examination**  
10 **that has been created and administered by a third party and that meets current national**  
11 **industry standards, as determined by the board;**

12           **(4) Pay for the costs of such examination; and**

13           **(5) Have completed one of the following:**

14           **(a) Twelve thousand verifiable practical hours installing equipment and associated**  
15 **wiring;**

16           **(b) Ten thousand verifiable practical hours installing equipment and associated**  
17 **wiring and have received an electrical journeyman certificate from a United States**  
18 **Department of Labor-approved electrical apprenticeship program;**

19           **(c) Eight thousand verifiable practical hours installing equipment and associated**  
20 **wiring and have received an associate's degree from a state-accredited program; or**

21           **(d) Four thousand verifiable practical hours supervising the installation of**  
22 **equipment and associated wiring and have received a four-year electrical engineering**  
23 **degree.**

24           **3. Any electrical contractor who currently holds an electrical contractors license**  
25 **in good standing with a political subdivision that required the passing of a standardized**  
26 **and nationally accredited electrical assessment examination, as well as verifiable proof of**  
27 **twelve thousand hours experience installing equipment and associated wiring while in the**  
28 **employ of an electrical contractor or other business whose primary function is installing**  
29 **or servicing electrical equipment, shall be eligible to receive a statewide electrical**  
30 **contractors license on August 28, 2014.**

31           **4. Any person operating as an electrical contractor in a political subdivision that**  
32 **does not require the contractor to hold a local license shall not be required to possess a**  
33 **statewide license under sections 324.900 to 324.945 to continue to operate as an electrical**  
34 **contractor in such political subdivision.**

35           **5. The division, in collaboration with the board, may negotiate reciprocal**  
36 **agreements with other states, the District of Columbia, or territories of the United States**  
37 **that require standards for licensure, registration, or certification considered to be**

38 equivalent or more stringent than the requirements for licensure under sections 324.900  
39 to 324.945.

40         6. Political subdivisions shall not be prohibited from establishing their own local  
41 electrical contractor's license but shall recognize a statewide license in lieu of a local license  
42 for the purposes of performing contracting work or obtaining permits to perform work  
43 within such a political subdivision.

       324.930. There is hereby created in the state treasury the "Missouri Electrical  
2 Industry Licensing Board Fund", which shall consist of money collected under sections  
3 324.900 to 324.945. The state treasurer shall be custodian of the fund and may approve  
4 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon  
5 appropriation, money in the fund shall be used solely for the administration of sections  
6 324.900 to 324.945. Notwithstanding the provisions of section 33.080 to the contrary, any  
7 moneys remaining in the fund at the end of the biennium shall not revert to the credit of  
8 the general revenue fund. The state treasurer shall invest moneys in the fund in the same  
9 manner as other funds are invested. Any interest and moneys earned on such investments  
10 shall be credited to the fund.

       324.935. 1. The division shall mail a renewal notice to the last known address of  
2 each person licensed under sections 324.900 to 324.945 prior to the renewal date. Failure  
3 to provide the division with the information required for renewal or to pay the required  
4 fee after such notice shall result in the license being declared inactive. The licensee shall  
5 not practice until he or she applies for reinstatement and pays the required fees. The  
6 license shall be restored if the application for reinstatement is received within two years  
7 of the renewal date.

8         2. Upon request, the division, in collaboration with the board, may grant inactive  
9 status to a licensee if the person:

10         (1) Does not hold himself or herself out as possessing a license required under  
11 sections 324.900 to 324.945 in this state;

12         (2) Does not maintain any continuing competency requirements established by the  
13 division, in collaboration with the board.

14         3. If an electrical contractor transfers employment from one company to another,  
15 all permits on the contractor's license shall first be cleared. It is the responsibility of the  
16 contractor to notify the division of the contractor's intent to transfer employment and any  
17 current active permits on the contractor's license when transferring employment. Upon  
18 such notification, the division shall notify all affected political subdivisions via electronic  
19 communication of the contractor's status. It shall be assumed all permits are cleared if no

20 response is given otherwise by affected political subdivisions within seventy-two hours of  
21 the notification.

324.940. 1. The board may refuse to issue or renew or may suspend any license  
2 required under sections 324.900 to 324.945 for one or any combination of causes stated in  
3 subsection 4 of this section. The board shall notify the applicant in writing of the reasons  
4 for the refusal and shall advise the applicant of his or her right to file a complaint with the  
5 administrative hearing commission as provided by chapter 621.

6 2. The board shall publish via electronic media and update on a weekly basis a list  
7 of valid statewide license holders, a list of current enforcement actions against license  
8 holders, and the procedures for filing grievances against licensees.

9 3. The permitting authority of each political subdivision may suspend a  
10 contractor's work in that political subdivision for a period of up to thirty days while a  
11 complaint is being forwarded by the permitting authority to the board for adjudication.

12 4. The board may cause a complaint to be filed with the administrative hearing  
13 commission as provided by chapter 621 against any holder of any license required by  
14 sections 324.900 to 324.945 or any person who has failed to renew or has surrendered his  
15 or her license for any one or any combination of the following causes:

16 (1) Use or unlawful possession of any controlled substance, as defined in chapter  
17 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform  
18 the work of an electrical contractor;

19 (2) The final adjudication and finding of guilty, or the entering of a plea of guilty  
20 or nolo contendere, in a criminal prosecution under the laws of any state or of the United  
21 States, for any offense reasonably related to the qualifications, functions, or duties of any  
22 profession licensed or regulated by sections 324.900 to 324.945, for any offense an essential  
23 element of which is fraud, dishonesty, or an act of violence or for any offense involving  
24 moral turpitude, whether or not sentence is imposed;

25 (3) Use of fraud, deception, misrepresentation, or bribery in securing any license  
26 issued under sections 324.900 to 324.945 or in obtaining permission to take any  
27 examination given or required under sections 324.900 to 324.945;

28 (4) Obtaining or attempting to obtain any fee, charge, tuition, or other  
29 compensation by fraud, deception, or misrepresentation;

30 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or  
31 dishonesty in the performance of the functions and duties of any profession licensed or  
32 regulated by sections 324.900 to 324.945;

33 (6) Violation of, or assisting or enabling any person to violate, any provision of  
34 sections 324.900 to 324.945 or any lawful rule adopted under sections 324.900 to 324.945;

35           (7) Impersonation of any person holding a license or allowing any person to use his  
36 or her license;

37           (8) Disciplinary action against the holder of a license or other right to practice any  
38 profession regulated by sections 324.900 to 324.945 granted by another state, territory,  
39 federal agency, or country upon grounds for which revocation or suspension is authorized  
40 in this state;

41           (9) Final adjudication of a person as insane or incompetent by a court of competent  
42 jurisdiction;

43           (10) Assisting or enabling any person to practice or offer to practice any profession  
44 licensed or regulated by sections 324.900 to 324.945 who is not registered and currently  
45 eligible to practice under sections 324.900 to 324.945;

46           (11) Issuance of a certificate of registration or authority, permit, or license based  
47 upon a material mistake of fact;

48           (12) Violation of any professional trust or confidence;

49           (13) Use of any advertisement or solicitation that is false, misleading, or deceptive  
50 to the general public or persons to whom the advertisement or solicitation is primarily  
51 directed;

52           (14) Unethical conduct as defined in the ethical standards adopted by the division  
53 and filed with the secretary of state;

54           (15) Violation of the drug laws or rules of this state, any other state, or the federal  
55 government.

56           5. After the filing of such complaint, the proceedings shall be conducted in  
57 accordance with the provisions of chapter 621. Upon a finding by the administrative  
58 hearing commission that the grounds provided in subsection 4 of this section for  
59 disciplinary action are met, the board may, singly or in combination, censure or place the  
60 person named in the complaint on probation with such terms and conditions as the board  
61 deems appropriate for a period not to exceed five years, or may suspend for a period not  
62 to exceed three years, or revoke the license, certificate, or permit.

63           6. An individual whose license has been revoked shall wait at least one year from  
64 the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the  
65 board after compliance with all requirements of sections 324.900 to 324.945 relative to the  
66 previous licensing of the applicant.

          324.945. 1. Any person or corporation that knowingly violates any provision of  
2 sections 324.900 to 324.945 is guilty of a class B misdemeanor.



3           **2. Any officer or agent of a corporation or member or agent of a partnership or**  
4 **association who knowingly and personally participates in or is an accessory to any**  
5 **violation of sections 324.900 to 324.945 is guilty of a class B misdemeanor.**

6           **3. The division, in collaboration with the board, may cause a complaint to be filed**  
7 **for any violation of sections 324.900 to 324.945 in any court of competent jurisdiction and**  
8 **perform such other acts as may be necessary to enforce the provisions of sections 324.900**  
9 **to 324.945.**

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